# HIGH COURT OF CHHATTISGARH AT BILASPUR

## REVIEW PETITION No. 64 OF 2007

**PETITIONER** : 1. Shankar Aged about 27 years, S/o Gorelal, Kapoor Singh Dapahai Post: Chirmiri, Dist. Korea (CG)
2. Smt. Janaki Bai Aged about 42 years, W/o Gorelal, Kapoor Singh Daphai Post: Chirmiri, Dist. Korea (CG)

**VERSUS**

**RESPONDENTS** : 1. South Eastern Coalfields Limited Through its Chairman-cum-Managing Director, Seepat Road, Bilaspur (CG)
2. Sub Area Manager, SECL, Chirmiri Opencast Mine, Chirmiri Dist. Korea (CG)

APPLICATION FOR REVIEW OF THE ORDER DATED 03.02.2006 IN WRIT PETITION NO. 2608/2003.

**BY CIRCULATION.**

**SB: Hon'ble Shri Satish K. Agnihotri, J.**

**ORDER**
(Passed on 15th day of October, 2007)

I.A. No. 1, this is an application for condonation of delay.

Sufficient cause has been shown. The application is ordered as prayed for.

1. This petition seeks review of the order dated 03.02.2006 passed in Writ Petition No. 2608 of 2003 (Shankar and another Vs. SECL and another). The petitioners seek review not on the new grounds but on the same grounds which have earlier been raised and considered by this Court. This Court, while disposing of the petition, directed the respondents to consider the case of the petitioner No. 1 in accordance with law as applicable at the time of making the application for appointment on compassionate ground within a period of six weeks from the date of receipt/production of a copy of this order.

2. The case of the petitioner was considered by the respondent authorities and by order dated 05.05.2006 (Annexure P/3), the respondent authorities refused to

grant compassionate appointment to the petitioner holding that the case was considered in accordance with law and the petitioner No. 1 was not found eligible being minor at the time of death of his father.

3. Being aggrieved, the petitioner preferred a contempt petition being Contempt Petition No. 144 of 2006. The contempt petition was dismissed on the ground that the direction passed by the Court has already been complied with. The petitioners, thereafter, filed an application recalling the order and modification of the order dated 03.02.2006 being M.C.C. No. 538 of 2006. The petitioner withdrew the said application on 09.10.2006 to file review petition. Thus, this review petition was filed.

4. On perusal of the papers and documents appended thereto, there is no apparent error on the face of records.

5. The petitioners have not pointed out any manifest error in the record and the petitioners have not further brought into the notice, any new fact which could not be produced earlier despite diligent efforts made by the petitioners. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution. The applicant has not produced any new ground for review, except the same ground which has been considered and decided in the writ petition.

6. The principle of law is well settled by several judicial pronouncements of the Hon'ble Supreme Court in the case of Smt. Meera Bhanjan Vs. Smt. Nirmala Kumar Choudhary[1], Lily Thomas, etc. Vs. Union of India and others[2], Ajit Kumar Rath Vs. State of Orissa and others[3], Government of T.N. and others Vs.

M.Ananchu Asari and others[4], and Kerla State Electricity Board Vs. Hitech Electrothermics & Hydropower Ltd and others[5].

7. Applying the well settled principles of law to the present case, there is no ground available for review of the order dated 03.02.2006 under the garb of the review petition, the petitioners seek an opportunity to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.

8. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

**Sd/-**
**Satish K.Agnihotri**
**Judge**

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1. AIR 1995 SC 455
2. AIR 2000 SC 1650
3. AIR 2000 SC 85
4. (2005) 2 SCC 332
5.(2005) 6 SCC 651

Amit